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Summary of Stakeholders' submissions on Comoros*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of three stakeholders' submissions to the universal periodic review, presented in a summarized manner owing to word-limit constraints.[1]

II. Information provided by stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies[2, 3]

2. According to JS1, some recommendations made during the second cycle have been implemented by the Comoros, specifically the ratification of some conventions, including the Convention on the Rights of Persons with Disabilities. However, JS1 expressed regret that the Comoros had not implemented in practice a large part of the recommendations issued under the universal periodic review in 2014, including several recommendations on accession to international human rights instruments. Such recommendations had already been made during the first cycle of the universal periodic review, in 2009.[4]

3. JS1 noted with regret that specifically, the Comoros still had not ratified the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[5]

4. JS1 noted with concern that the institutions set up on a permanent basis to coordinate the country's commitments in respect of international mechanisms were ineffective. Several periodic reports on conventions ratified by the country had thus not

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been completed on time. For example, the periodic report on implementation of the Convention on the Rights of the Child was overdue.[6]

5. The International Campaign to Abolish Nuclear Weapons noted with appreciation that the Comoros signed the UN Treaty on the Prohibition of Nuclear Weapons on 20 September 2017, and recommended that Comoros ratifies the Treaty as early as possible.[7]

B. National human rights framework[8]

6. JS1 noted that some of the recommendations issued during the second cycle on the adoption of laws had been implemented by the Comoros, including the adoption of the law on the prevention and punishment of violence against women and the law against child labour and trafficking, and that efforts to combat sexual violence against women and children had been stepped up. However, it expressed regret that many of the recommendations of the universal periodic review of 2014 had not, on the whole, been implemented effectively by the Comoros, including recommendations on the strengthening of institutions for the protection of human rights.[9]

7. JS1 reported that several legislative and regulatory texts had been adopted by the Assembly of the Union or signed by the executive branch. However, a number of laws had been adopted but had not been promulgated by the Head of State, including the Criminal Code and the new Code of Criminal Procedure, adopted in 2014, and the Gender Equality Act of June 2017. JS1 added that the Assembly of the Union had faced a number of crises since its election in 2015. Indeed, its sessions had been disrupted, as the President of the Assembly of the Union had refused to recognize some of its appointed members. JS1 also indicated that decrees had been signed by the Head of State overruling or suspending some legislative or regulatory provisions. The country's legislation had thus sometimes been circumvented, violated or even contradicted by lesser standards such as decrees, orders and circulars. It was regrettable that the rule of law and the hierarchy of norms had not always been respected.[10]

8. JS1 noted with concern that the National Commission on Human Rights and Freedoms, established by Act No. 11-028/AU of 23 December 2011 and promulgated by Decree No. 12-042/PR of 18 February 2012, was no longer operational. It added that the Commission's mandates that had ended in July 2017 had only been renewed in September 2018, even before the end of its mandate. The Commission was not independent and did not have sufficient human and financial resources to carry out its mandate effectively.[11]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination[12]

9. JS1 stated that the legislation currently in force in the Comoros guaranteed equality and non-discrimination.[13] However, de facto discrimination persists in the Comoros, particularly based on gender, disability and geographical and social origin.[14]

2. Civil and political rights

Right to life, liberty and security of person[15]

10. JS1, while noting that death sentences had not been carried out in the Comoros since 2014, expressed regret that the death penalty had not been abolished in the country's new Criminal Code.[16]

11. JS1 expressed concern about cases of murder and arson that had reportedly gone unresolved.[17]

12. JS1 reported that living conditions in the country's three remand centres did not meet international standards. Prisoners were held in conditions that were degrading and that violated their human dignity. JS1 expressed regret that measures to improve conditions of detention and to strengthen the independence of oversight mechanisms had not been taken. According to JS1, the measures taken to ensure hygiene and sanitation were abysmal; there were no wards reserved for juveniles and minors were mixed with adult detainees.[18]

Administration of justice, including impunity, and the rule of law[19]

13. JS1 reported that a national conference on the rule of law and good governance had been held in February 2018.[20]

14. According to JS1, the recommendations issued by the universal periodic review in 2014 had not, on the whole, been effectively implemented by the Comoros, including those relating to the fight against corruption.[21]

15. JS1 noted that the anti-corruption campaign had been moribund for years, that in the latest report of Transparency International, from 2017, the Comoros had fallen from 136th place in the world in 2015 to 148th in 2017 and that in 2013 the country had ranked 127th. JS1 also indicated that the National Commission for Action against and Prevention of Corruption (CNPLC) had been out of commission since 2016. It added that Decree No. 16-228/PR of 8 September 2016 had repealed some of the provisions of Act No. 08-13/AU of 25 July 2008 on the transparency of public activities in the country's economic, financial and social spheres. That decree had been cancelled on 13 October 2016 by a decision of the Constitutional Court, but the executive branch had never complied with the decision.[22]

Fundamental freedoms and the right to participate in public and political life[23]

16. According to JS1, the Comoros had had a democratic change of President in May 2016 as a result of the elections.

Freedom of the press[24]

17. JS1 noted that in 2017, Reporters without Borders had ranked the Comoros forty-ninth in the world in terms of freedom of the press. However, the Comoros had slipped by five rankings between 2016 and 2017. JS1 added with concern that between 2014 and 2018 many radio stations had been shut down and journalists had been harassed and laid off by the State media. In addition, it expressed concern that public demonstrations were no longer authorized.[25]

18. According to JS1, freedom of worship was threatened, and certain acts committed against the Shia Muslim minority violated the conventions ratified by the Comoros.[26]

Prohibition of all forms of slavery[27]

19. JS1 reported that the law against child labour and trafficking in children had been adopted.[28]

3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work[29]

20. According to JS1, the recommendations issued under the universal periodic review in 2014 had not, on the whole, been effectively implemented by the Comoros, including those relating to the fight against unemployment.[30]

21. JS1 noted that the country has sluggish growth, with insufficient job creation. The participation rate was still relatively low, at 49.4 per cent. Officially, the unemployment rate had risen to 13.5 per cent in 2004 and to 14.3 per cent in 2013. JS1 noted that unemployment was particularly bad among young people. The unemployment rate among persons under 24 years of age had reached 50.5 per cent in 2013, and the rate for women was still twice as high as for men, irrespective of education levels. According to JS1, after the President had come to power in 2016, several thousand young people had been dismissed from State enterprises and the public administration.[31]

Right to health[32]

22. According to JS1, the recommendations issued by the universal periodic review in 2014 have not, on the whole, been effectively implemented by the Comoros, including those calling for efforts to be stepped up to guarantee free health services for all, even while a study on universal health coverage was being carried out in the same period.[33]

23. According to JS1, the country's health sector was confronted with low quality of health services and an inadequate allocation of human resources in terms of quantity and quality. Emergency first aid was not free of charge. The immunization rate was declining and the child malnutrition rate was continuing to rise, with 30 per cent of children suffering from chronic malnutrition and 11 per cent from acute malnutrition (EDSMICS 2012). In addition, the prevalence rate for malaria, which had fallen in recent years (12,000 cases recorded in the first half of 2018, as against 4,893 in 2017), was again increasing.[34]

24. JS1 noted that Comorian legislation prohibited abortion, except for therapeutic purposes. It also indicated that the number of illegal abortions was growing quickly in the Comoros.[35]

Right to education[36]

25. JS1 reported that progress had been made over the years to strengthen the education system and ensure access to quality education for all children in the Comoros. However, despite increased access to all levels of education, many challenges still remain, including high school repeater and dropout rates at the primary and secondary levels, poor performance of the system as a whole, a high illiteracy rate, poor management of human resources and an increase in and adverse effects of commercialization in education. According to JS1, public schools were dilapidated, the provision of technical education had broken down and repeated strikes undermined the education system.[37]

4. Rights of specific persons or groups

Women[38]

26. JS1 reported that assistance from development partners had helped to build capacity for counselling of child and woman victims of violence and had made it possible to reveal the extent of violence against women. In 2017, 82 per cent of the violent acts registered by such services were committed against women and girls, and there was an increasingly high rate of spousal violence.[39]

27. JS1 reported that the country's Constitution of 23 December 2001 established that the composition of the Government had to ensure fair and equitable representation of the country's islands and fair and equitable ratios of women and men. However, it expressed regret that the new Government of 15 members formed on 28 August 2018 included just 3 women.[40]

Children[41]

28. JS1 reported that the Comoros did not take sufficient steps to ensure the right to life of children and to create an environment conducive to ensuring, to the maximum extent possible, the survival and development of the child.[42]

29. Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted corporal punishment in Comoros was prohibited as a sentence for a crime. However, it was concerned that in Comoros, corporal punishment of children was still lawful in the home, in alternative and day care settings, in schools and in the penal institutions, despite recommendations to prohibit it by the Committee on the Rights of the Child. GIEACPC noted that at its second Universal Periodic Review, the issue of corporal punishment of children was raised in the summary of stakeholders' information, and the national report of Comoros stated that corporal punishment was not a practice in Comorian society. Nevertheless, the Comoros accepted several recommendations to prohibit corporal punishment in all settings, stating that the new Criminal Code under the process of adoption contained provisions to criminalize corporal punishment. However, according to GIEACPC,

since the review, there had been no changes in the legality of corporal punishment of children. The new Criminal Code is yet to be promulgated by the President and it is unclear whether it repeals corporal punishment. GIEACPC recommended that Comoros enact legislation to explicitly prohibit corporal punishment of children in all settings, including in the home, and repeal all legal defences for its use, including in the Family Code of 2005.[43]

Persons with disabilities[44]

30. With regard to the rights of persons with disabilities, JS1 noted that the legislation protecting their rights was not fully respected. For example, the equal opportunity card that was to be distributed to persons living with disabilities by the Ministry of Employment had still not been issued. In addition, the law called for the provision of free health care to persons living with disabilities, but they had not received it in practice.[45]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

GIEACPC	Global Initiative to End All Corporal Punishment of Children Geneva (Switzerland);
ICAN	International campaign to abolish nuclear weapons Geneva (Switzerland);

Joint submissions:

JS1	**Joint submission 1 submitted by**: MAEECHA (Mouvement Associatif pour l'Education et l'Egalité des Chances); FCDH (Fédération Comorienne des Droits de l'Homme); HIFADHU, ASCOBEF (Association Comorienne pour le Bien-être de la famille); FECOSC (Fédération des Organisations de la Société Civile); CAP (Conseil de la Paix); UNONOFAMILY; Ulanga Ngazidja; FAHAC (Fédération des Associations des personnes handicapées aux Comores); Observatoire des Elections Comoros.

[2] The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[3] For the relevant recommendations, see A/HRC/26/1, paras. 110.2–110.6, 110.10–110.17, 110.27–110.31, 111.111.9, 112.1, and 112.10.
[4] JS1, paras. 10 and 11.
[5] JS1, para. 6.
[6] JS1, para. 6.
[7] ICAN, page 1.
[8] For relevant recommendations, see A/HRC/26/11, paras. 110.18110.21.
[9] JS1, para. 10.
[10] JS1, para. 5.
[11] JS1, para. 8.
[12] For relevant recommendations see A/HRC/26/11, paras. 113.1–113.113.6.
[13] JS1, para. 12.
[14] JS1, para. 12.
[15] For relevant recommendations see A/HRC/26/11, paras. 110.1–110.9, 110.55–110.5110.62.
[16] JS1, para. 16.
[17] JS1, para. 15.
[18] JS1, para. 16.
[19] For relevant recommendations, see A/HRC/26/11, paras. 110.58, 110…62 and 112.11.
[20] JS1, para. 4.
[21] JS1, para. 10.
[22] JS1, para. 9.
[23] For relevant recommendations see A/HRC/26/11, paras.110.63, 110.100, 112.12, 112.13, 113.7, and 113.8.
[24] JS1, para. 17.
[25] JS1, para. 17.
[26] JS1, para. 18.
[27] For relevant recommendations see A/HRC/26/11, paras. 110.53 and 112.7.
[28] JS1, para. 19.
[29] For relevant recommendations, see /HRC/26/11, paras. 110.64–110.66.
[30] JS1, para. 10.
[31] JS1, para. 20.
[32] For relevant recommendations see A/HRC/26/1, paras. 110.69–110.76.
[33] JS1, para. 10.
[34] JS1, para. 21.
[35] JS1, para.
[36] For relevant recommendations see A/HRC/26/1, paras. 110.76–110.90.
[37] JS1, para. 22.
[38] For relevant recommendations, see A/HRC/26/1, paras. 110.39–110.52, 110.85–110.88.
[39] JS1, para. 15.
[40] JS1, para. 12.
[41] For relevant recommendations, see A/HRC/26/1, paras. 110.54, 110.92, 110.93, 112.4112.6 and 112.8.
[42] JS1, para. 14.
[43] GIEACPC, page 1.
[44] For relevant recommendations, see A/HRC/26/1, paras. 110.88 and 110.91–110.94.
[45] JS1, para. 13.